

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**ZEICHNER, ELLMAN & KRAUSE, LLP,  
Plaintiff and Interpleader Plaintiff,**

**v.**

**KATHY COKUS, Defendant and Interpleader  
Defendant, and OCTAVIO PENA, Interpleader  
Defendant.**

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**No. 07-CIV-9521**

**NOTICE OF DEFENDANT  
KATHY COKUS'S  
CROSS-MOTION TO DISMISS  
FOR LACK OF DIVERSITY  
JURISDICTION**

**AND NOW**, comes Defendant Kathy Cokus ("Cokus"), by and through undersigned counsel, Bochetto & Lentz, P.C., and in addition to moving to dismiss due to the pendency of a prior action, and, in addition to opposing Plaintiff's Cross-Motion to Deposit Funds, she moves this Court for an Order dismissing this action for lack of diversity jurisdiction. In support of this Motion, Cokus incorporates by reference the accompanying Memorandum of Law being filed contemporaneously herewith and the papers filed in connection with her Motion to Dismiss Due to Pendency of Prior Action.

Respectfully submitted,

**BOCHETTO & LENTZ, P.C.**

/s/

By: \_\_\_\_\_

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Date: December 10, 2007

*Attorneys for Defendant Kathy Cokus*

**CERTIFICATE OF SERVICE**

I, George Bochetto, Esquire, hereby certify that I caused to be served a true and correct copy of the foregoing Notice of Defendant Kathy Cokus's Cross-Motion to Dismiss for Lack of Diversity Jurisdiction upon the following counsel via overnight mail:

John B. Harris, Esquire  
STILLMAN, FRIEDMAN & SHECHTMAN, P.C.  
425 Park Avenue  
New York, NY 10022

Arnold I. Kalman, Esquire  
245 South Hutchinson Street  
Philadelphia, PA 19107

**BOCHETTO & LENTZ, P.C.**

/s/

By: \_\_\_\_\_  
George Bochetto, Esquire

Date: December 10, 2007